

## **REMARKS**

Claims 1-9 and 11-17 remain in the application. Claims 21-23 are added.

Claim 1 is herein amended.

### **§102 Rejection of the Claims**

Claims 1, 3, 5, 7 and 8 were rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent No. 4,191,000 to Henderson. Applicant respectfully traverses as all of the elements of claim 1 are not found in Henderson.

The Examiner rejects claim 1 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,191,000 (hereinafter "*Henderson*"). On page 5 of the Office action, under *Response to Arguments*, the Examiner states that "*Henderson's reference is clearly shown a web 22 is laminated with face panel 27 (see Fig. 2 and col. 3, lines 1-10) or a laminated panel 22 formed from a series of elongated planks 22 and 27, which have a height that is longer than their width.*" Applicant traverses this interpretation of Henderson.

Firstly, it is pointed out that Henderson's laminated panel 22 is cut from a piece of plywood formed of a pair of face veneers 27 separated by a core veneer 29. This is clearly stated in the excerpt in line 5 of column 3, in which it is stated that the web member 22 has segments that each have "*a length corresponding to the width of the sheet of plywood from which it was cut.*" It is clear that the web members 22 are oriented so as to have a longitudinal axis extend horizontally between the lower and upper chords. Fig. 2 shows a sectional view of these three veneers interrelated to form a web member 22. Reference is made to Fig. 1 of Henderson, in which the web segment joints are illustrated at 26. These web segment joints define the separation between the webs 22. Therefore, it is clearly observed that the distance between segment joints 26 is greater than the height between the flange members 20. Applicant herein provides an annotated Fig. 1 of Henderson to further clarify this point. The longitudinal or longest length direction is labeled with an "L." The height is labeled with an "H." It is clear

from this figure that the length of the panel 22 is greater than the height of the panel.

Accordingly, it is clear from Fig. 1 that the web members 22 are longer than higher.

Claim 1 is herein amended to emphasize that the longitudinal axis of the elongated panels is vertical, and thus generally perpendicular to the chords. As it is now claimed in claim 1 of the present application that the laminated panel structure is formed of a series of elongated planks each having its longitudinal axis "*extending vertically between said lower and upper chords,*" it is respectfully argued that claim 1 distinguishes over Henderson, as the segment joints 26 clearly illustrate the web members 22 are oriented so as to be horizontal.

With regard to the Examiner's objection to claim 9, it is respectfully argued that Henderson is solely limited to teaching an I-beam having an I-cross-section. Reference is made to claims 1-5 of Henderson, in which even the preamble states "*I-beam.*" I-beams are known to have a configuration in which the cross-section features a slender central portion for enlarged heads, as seen in Fig. 2. As Henderson refers throughout the text to an I-beam and does not describe any other possibility, it is respectfully argued that Henderson fails to teach a beam structure having a rectangular cross-section.

Claim 3 recites that "said panel is secured to said chords by more than two finger joints at each chord." Applicant can not find this feature in Henderson. Moreover, Henderson only shows "a pair of short sloping inner sides 36" that extend toward a groove bottom surface 38 and, along with said surface 38, cooperatively define the groove 40 between ribs 23 of the edge 25 of web member 22." Col. 3, lines 54-58. Applicant requests reconsideration and allowance of claim 3.

Claim 5 recites that "said planks are made of kiln dry wood." The Office Action states that "kiln dry" present process limitations and cannot impart patentability. Applicant traverses. The phrase "kiln dry" is an adjective that describes a quality of the thing named and/or to specify a thing as distinct from something else. Applicant can not find "kiln dry wood" in Henderson. Applicant requests reconsideration and allowance of claim 5.

Claim 7 recites that “fibers in said planks extend generally perpendicular to said chords.” The Office Action states “wherein fibres in said planks extend in the longitudinal direction of said planks.” However, these are not currently claimed features in claim 7. Reconsideration and allowance of claim 7 is requested.

*§103 Rejection of the Claims*

Claims 2, 4, 6, 9 and 11-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,191,000 to Henderson. Applicant respectfully traverses.

Claims 2, 4, and 6 depend from claim 1, at least in part, and are allowable for at least for the same reasons as stated above.

Claim 4 recites, “said planks are adhesively secured to one another by means of a glue having a base of resin resorcinol.” Applicant can not find these features in Henderson. Moreover, the Office Action is silent with regard to these claimed features. Reconsideration and withdrawal of this rejection is requested.

Applicant respectfully traverses the single reference rejection under 35 U.S.C. § 103 since not all of the recited elements of the claims are found Henderson. Since all the elements of the claim are not found in the reference, Applicant assumes that the Examiner is taking official notice of the missing elements. Applicant respectfully objects to the taking of official notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Applicant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position.

With regard to the Examiner's objection to claim 9, it is respectfully argued that Henderson is solely limited to teaching an I-beam having an I-cross-section. Reference is made to claims 1-5 of Henderson, in which even the preamble states “*I-beam*.” I-beams are known to have a configuration in which the cross-section features a slender central portion for enlarged heads, as seen in Fig. 2. As Henderson refers throughout the text to an I-beam and does not describe any other possibility, it is respectfully argued that Henderson fails to teach a beam structure having a rectangular cross-section.

Claim 9 pertains to the embodiment of Fig. 2 of the present application, in which the beam is shown having a rectangular cross-section. This structural configuration ensures the structural integrity of the structural joist of the present application. As claim 9 has the limitation that the laminated panel structure has "*a width equal to the width of said lower and upper chords*" so as to define a continuous rectangularly shaped cross-section, claim 9 is deemed to patentably distinguish over Henderson.

Reconsideration and allowance of claim 9 and its dependent claims 11-17 are requested.

Claim 11 recites "said panel is secured to said chords by more than two finger joints at each chord." Applicant can not find this feature in Henderson. Moreover, Henderson only shows "a pair of short sloping inner sides 36" that extend toward a groove bottom surface 38 and, along with said surface 38, cooperatively define the groove 40 between ribs 23 of the edge 25 of web member 22." Col. 3, lines 54-58. Applicant requests reconsideration and allowance of claim 11.

Claim 12 recites, "said planks are adhesively secured to one another by means of a glue having a base of resin resorcinol." Applicant can not find these features in Henderson. Moreover, the Office Action is silent with regard to these claimed features. Reconsideration and withdrawal of this rejection is requested.

New Claims

New claims 21-23 are added as dependent claims. These claims are supported by the specification, see, e.g. FIGS 1-3. These claims further distinguish the presently claimed invention over Henderson.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By \_\_\_\_\_

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4<sup>th</sup> day of April 2008.

PATRICIA A. HULTMAN

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Signature